

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Peyravian et al.

Serial No.: **09/458,922**

Filed: December 10, 1999

For: **TIME STAMPING METHOD EMPLOYING
USER SPECIFIED TIME**

Attorney's Docket No: 4541-003

Examiner: **Dada, Beemnet W.**

Group Art Unit: 2135

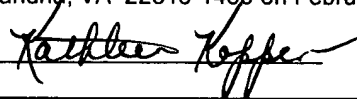
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Kathleen Koppen



TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING

REJECTION OVER CO-PENDING U.S. APPLICATION SERIAL NO. 09/458,928

Sir:

Claims 1-30 in the instant application stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of co-pending U.S. Application Serial No. 09/458,928. Without admitting to the propriety of the rejection and only to remove issues for appeal, Applicants submit the following Terminal Disclaimer.

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The owner, IBM Corp., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S. C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent granted on co-pending U.S. Application Serial No. 09/458,928. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the co-pending application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term and defined in 35 U.S.C. 154 to 156 and 173 of the co-pending application, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an agent of record.

The terminal disclaimer fee of \$130.00 (large entity) under 37 CFR § 1.20(d) is included.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.



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Dated: February 22, 2005

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